MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2018/2019

UCN 2612 – CONFLICT OF LAWS

(All Sections / Groups)

27 MAY 2019
Reading Time : 9:00 a.m. –9:15 a.m.
(15 Minutes)
Answering Time: 9:15 a.m. – 12:15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of **two** pages with **four** Questions only.

3. **Attempt either QUESTION 1A OR QUESTION 1B. Questions Two to Four are compulsory.** All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring in CLEAN and ORIGINAL copies of the following statutes into the Examination Hall:

   i) Reciprocal Enforcement of Judgment Act 1958.

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

ATTEMPT EITHER

QUESTION 1A

Connecting factors are the method to determining the appropriate choice of law in the event of conflict of laws. However, there are instances where connecting factors alone will be an insufficient tool. In such an instance, *renvoi* is used to supplement the existing body of principles.

Explain the concept of *renvoi* with relevant authorities.

(TOTAL: 25 Marks)

OR

QUESTION 1B

Defining and matching substantial facts in international disputes to corresponding connecting factors is sometimes tricky due to a lack of understanding of the nature of the substantial facts.

Explain how characterisation of the substantial facts can assist in solving this problem. Your discussion should also include an analysis of the prevailing theories of characterisation applicable in determining the appropriate choice of law.

(TOTAL: 25 Marks)

Continued...

ATTEMPT ALL QUESTIONS

QUESTION 2

The application of connecting factors and *renvoi* to determine the appropriate choice of law can all be defeated by the element of public policy.

Illustrate this point by the use of relevant case law.

(TOTAL: 25 Marks)

QUESTION 3

Trace Aegon's domicile.

Aegon was born on January 1980 in Dorne, the legitimate child of Rhaegar and Lyanna. Lyanna was born in Winterfell to Rickard and Lyarra whose ancestors have never left Winterfell. In 1970, Lyanna and her two brothers, Brandon and Benjen, migrated to Dorne. In 1978, Lyanna met and married Rhaegar. Rhaegar was born in Summerhall in 1940 to Aerys and Rhaella, both of whom were domiciled there. In 1958, he visited Winterfell and fell in love with winter there. He eventually settled in Dorne and became a successful pilot. He has acquired substantial property there but always told friends that that he would like to return to Winterfell when he retires.

After their marriage, Rhaegar and Lyanna lived together in Dorne until 1980 when they separated. Lyanna went to stay with her brother, Eddard who lived in Winterfell. She was unsure of her future but vowed to never return to Dorne. When Aegon was six months old, Lyanna decided to seek her fortune in the country's capital, King's Landing. She left her son with her brother and was never heard from again.

Aegon has continued to live with his uncle in Winterfell. Rumour has it that Rhaegar died in a skirmish.

(TOTAL: 25 Marks)

QUESTION 4

Discuss the following statement with relevant authorities:

"In modern law, it is quite an unnecessary complication to have different conflict rules for intestate succession to movables and immovables." [Dicey and Morris, Conflict of Laws, 12th Edn, 1993]

(TOTAL: 25 Marks)

End of Page